

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DIANE BURKS-LINDSTEDT,
Plaintiff

v.

NANCY A. BERRYHILL,¹
Acting Commissioner of the Social Security
Administration,
Defendant

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No. 1:16-CV-1510

(Judge Kane)

(Magistrate Judge Saporito)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Before the Court is the May 31, 2017 Report and Recommendation of Magistrate Judge Saporito (Doc. No. 13), recommending that the Court affirm the Social Security Commissioner's final decision denying Plaintiff Diane Burks-Lindstedt's application for disability insurance benefits under Title II of the Social Security Act on the basis that substantial evidence supports the Administrative Law Judge's determination that Plaintiff was not disabled. (Doc. No. 13.) No timely objections to the Report and Recommendation have been filed.

ACCORDINGLY, on this 19th day of June 2017, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 13), of Magistrate Judge Saporito;
2. The Commissioner's decision is **AFFIRMED**, and Plaintiff Diane Burks-Lindstedt's request for an award of benefits is **DENIED**;

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Acting Commissioner Nancy A. Berryhill is automatically substituted as the named defendant in place of the former Commissioner of Social Security.

3. Judgment is entered in favor of the Commissioner and against Plaintiff; and
4. The Clerk of Court is directed to **CLOSE** the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania